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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/501,708

07/16/2004

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HM-594PCT

5110

7590

09/28/2007

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EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED: 09/28/2007

Please find below and/or attached an Office communication concerning this application or proceeding.



## UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/501708

EXAMINER

ART UNIT

PAPER

20070921

DATE MAILED:

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Commissioner for Patents

The response filed on 8/9/07 is not a proper response to The Office Action Mailed on 7/5/07.

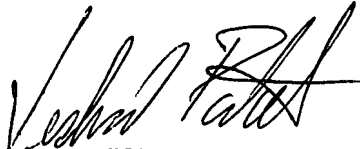
MPEP states in section 1205.03 that:

In response to the Notice of Non-Compliant Appeal Brief (37 CFR 41.37) or the Office communication that requires an amended brief, appellant is required to file an amended brief that is either a complete new brief with the required corrections or a replacement section(s) as noted below:

(A) When the Office holds the brief to be defective solely due to appellant's failure to name the real party in interest as required by 37 CFR 41.37(c)(1)(i), an entire new brief need not, and should not, be filed. Rather, a paper identifying by name the real party in interest will suffice. Failure to timely respond to the Office's requirement will result in dismissal of the appeal. See MPEP § 1215.04 and § 711.02(b).

(B) When the Office holds the brief to be defective solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice. Failure to timely respond to the Office's requirement will result in dismissal of the appeal. See MPEP § 1215.04 and § 711.02(b).

Time period to response was set by Office Action Mailed to applicant on 7/5/07 and applicant has one month to response and can buy extension of time as set by 37 CFR 1.136. The time period set by The Office Action mailed on 7/5/07 is still running.

  
VISHAL PATEL  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600